

**FILED**

**MAR 06 2017**

Clerk, U.S. District Court  
District Of Montana  
Missoula

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*Attorney for Plaintiff*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MARGARET McDONALD,

Relator and Plaintiff,

v.

FREIGHTMONSTER.COM, INC.

Defendant.

Cause No.: CV 17-27-M-DLC

**COMPLAINT AND  
REQUEST FOR JURY TRIAL  
FILED UNDER SEAL PURSUANT  
TO FED.R.CIV.P. 45(e)(2)(B) and  
D.MONT. L.R. 5.1(b)(1), 26.4**

COMES NOW Relator and Plaintiff, Margaret McDonald, by and through counsel of record, Nathan Wagner of the law firm Datsopoulos, MacDonald & Lind, P.C., and for their Complaint against Defendant, FreightMonster.com, Inc., alleges and avers as follows.

**ALLEGATIONS**

1. *Qui Tam* Relator brings this suit on behalf of the United States of America pursuant to 31 U.S.C.A. §§ 3729 *et seq.* and Mont. Code Ann. § 17-8-406.
2. A copy of the Complaint and written disclosure of substantially all written evidence and information the Relator possesses has been served on the United States Government pursuant to Rule 4(i) of the Federal Rules of Civil Procedure. The disclosure is attached hereto as **Exhibit 1**. This Complaint is filed *in camera*, under seal, and may not be served upon the Defendants until further order of this Court.
3. Relator, Margaret McDonald, is a resident of Montana. She was employed by Defendant as the Human Resources Manager until her employment was terminated in May of 2016.
4. Defendant FreightMonster.com, Inc. is a corporation duly organized and licensed to do business under the laws of the State of Montana, and with its principal place of business and headquarters in Ravalli County, State of Montana.
5. Jurisdiction exists pursuant to 31 U.S.C. §§ 3730(b)(1) and 3732 inasmuch as this action seeks remedies on behalf of the United States for violations of 31 U.S.C. § 3729 *et seq.* by a Defendant which can be found, resides and transacts business in this District. Pendent jurisdiction for State and common

law claims is proper based upon common nucleus of operative fact underlying all claims and to further interests of judicial economy, convenience and fairness to the litigants.

6. Venue exists in this District pursuant to 31 U.S.C. § 3730(b)(1) inasmuch as Defendants are qualified to do business in the State of Montana, conduct substantial business in the State of Montana, and transact business in this District. Relator is a citizen of the United States of America and residents of Ravalli County, Montana.
7. The *qui tam* action is brought on behalf of the United States to recover all damages, penalties and other remedies established by and pursuant to 31 U.S.C. §§ 3729 to 3733, and Relator claims entitlement to a portion of any recovery obtained by the United States as *qui tam* plaintiff authorized by 31 U.S.C. § 3730.
8. Relator is an original source of the information stated herein. She possesses knowledge independent of any public disclosure and which is independent of and materially adds to any such publicly disclosed allegations or transactions. 31 U.S.C. § 3730(4)(B).
9. This Court has jurisdiction under 31 U.S.C. § 3732 which provides that any action under Section 3730 may be brought in any judicial district in which the Defendant or in the case of multiple Defendants any one Defendant can

be found, resides, transacts business or in which any act prescribed by § 3729 occurred. The acts complained of herein occurred in Ravalli County, Montana.

10. In 2015, FreightMonster.com, Inc. was awarded a \$400,000.00 Community Development Block Grant from the United States Department of Housing and Urban Development.
11. Also in 2015, FreightMonster.com, Inc. was awarded a \$225,000.00 Big Sky Trust Fund grant.
12. Under the terms of the grants, FreightMonster.com was required to create thirty (30) net new full time jobs.
13. FreightMonster has not created thirty (30) net new full time jobs.
14. FreightMonster has engaged in a practice of hiring new employees to make it appear new jobs had been created, when in reality those same employees were fired shortly after they were hired, resulting in no net increase in new jobs.
15. FreightMonster has falsely reported to Ravalli County and the State of Montana that FreightMonster has created many new full time jobs.
16. FreightMonster has concealed, failed to disclose, or misrepresented the true facts that are material to FreightMonster's performance obligations under the terms of the grants.

17. FreightMonster is liable for damages and penalties as provided under the state and federal False Claims Act statutes.

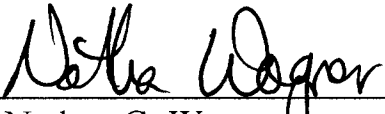
WHEREFORE, Plaintiff United States of America, ex rel. Relator, prays for judgment to be entered against Defendant, as follows:

- a. Defendant be required to answer this Complaint; and that a judgment be entered in favor of plaintiff United States of America *ex rel.* Relator;
- b. Relator be awarded damages in an amount three times the amount of all sums paid by the United States of America as a result of the Defendant's violations of 31 U.S.C. § 3729, plus mandatory statutory penalties and treble damages pursuant to 31 U.S.C. § 3729(a);
- c. Relator be awarded, on her own behalf, 30 percent of the proceeds collected by the United States of America as a result of the institution of this action;
- d. Relator be awarded costs and attorney's fees incurred as a result of bringing this action pursuant to the False Claims Act;
- e. Declaring Defendant's acts to be violative of Mont. Code Ann. 17-8-406, and holding them liable for punitive damages in an amount to be determined at trial; and
- f. Granting such other and further relief as this court deems proper.

**JURY REQUEST**

Relator/Plaintiff respectfully prays for trial by jury.

Respectfully submitted this \_\_\_\_ day of March, 2017.

By:   
Nathan G. Wagner  
*Attorney for Relator/Plaintiff*

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served upon the following counsel of record, by the means designated below, this 6<sup>th</sup> day of March, 2017.

       ECF  
  2   U.S. Mail  
       Fedex  
  1   Hand-Delivery  
       Facsimile

1. US District Court Clerk
2. U.S. District Attorney's Office  
District of Missoula  
P.O. Box 8329  
Missoula, MT 59807

By: Morgan K. Daley  
Morgan K. Daley, Legal Assistant to  
Nathan G. Wagner